

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15-5192**September Term, 2014****1:14-cv-01716-RMC****Filed On: July 10, 2015** [1561881]

Kurt Madsen,

Appellant

v.

William Smith,

Appellee

ORDER

Upon consideration of the notice of appeal, and it appearing that the district court has neither granted nor denied a certificate of appealability, it is, on the court's own motion,

ORDERED that the determination whether a certificate of appealability is warranted in this case be referred to the district court for resolution in the first instance. See Mitchell v. Reno, 216 F.3d 1126 (D.C. Cir. 2000); Fed. R. App. P. 22(b)(1). It is

FURTHER ORDERED that this case be held in abeyance pending further order of the court.

The Clerk is directed to transmit a copy of this order to the district court. The district court is requested to notify this court promptly upon its issuance of either a certificate of appealability or statement why a certificate should not issue.

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

John J. Accursio
Deputy Clerk